THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26454 of 2005

19.12.2005

Between:

Dasi Balakrishna, S/o.Guravaiah, Alamuru Village & Mandala,

East Godavari District

And others

… Petitioners

AND

The Government of Andhra Pradesh, rep by its Principal Secretary

and others

… Respondents

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WRIT PETITION No.26454 of 2005

ORDER:

The eight petitioners are owners of agricultural lands in survey Nos.501/3, 501/6, 501/9, 508/9, 509/3, 510/2, 511/5, 514/2 and 519/10 of Alamuru village abutting Mandapally. The petitioners and others were allegedly assigned D-form pattas in respect of land admeasuring Acs.0.42 each where they have raised vegetables, banana, yam, cattle feed etc. Their grievance is that the successful bidder in the auction conducted by third respondent to lease out sand in reach No.15 of Godavari river at Mandapally i.e., 26.000 to 27.500 kms are taking their sand and other sand removing equipments through the petitioners' lands though there is no pathway as such. According to the petitioners, to carry the sand in reach No.15, the ramp is fixed at KM 27/0 and successful bidder is bound to use the ramp fixed in carrying the sand in reach No.15 and not through the petitioners' lands.

After getting instructions from his clients, the learned Assistant Government Pleader (Panchayat Raj) submits that the ramp for reach No.15 was fixed at KM 27/0 as per the advise of river conservator of Godavari, the second respondent herein, and the third respondent never allowed the successful bidder to make use of the petitioners' lands as pathway. He also does not dispute Rule 9-N of A.P. Minor Mineral Concession Rules, 1966, which authorized the successful bidder to carry sand from the reach leased out to him/her only through the authorized ramp. In that view of the matter, the writ petition is disposed of, giving liberty to the third respondent to take appropriate action against any of the successful bidders if they make use of the private lands of Alamuru village abutting Mandapally.

The writ petition is, accordingly, disposed of. No costs.

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(**V.V.S.RAO, J**)

December 19, 2005.

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